



CANNON BUILDING
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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, April 14, 2016 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	May 12, 2016

MEMBERS PRESENT

Justin Healy, Professional Member, Chairman
Lynnette Scott, Professional Member, Secretary
Michael Harrington, Sr., Professional Member
Joseph F. McCann, Public Member
Lynn Rogers, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Rain Marrow, Administrative Specialist II

MEMBERS ABSENT

Jason Giles, Professional Member, Vice Chairman
Andrew Staton, Professional Member
Curtis Rogers, Public Member

ALSO PRESENT

Barbara Brodoway, Education Committee Member
Rain Marrow, Administrative Specialist II
Mark Ricker, Dugre Real Estate Company
Gregory Cook, Sr
Wilfrieda Vleugels, Real Estate Services Group

CALL TO ORDER

Mr. Healy called the meeting to order at 9:04 a.m.

REVIEW OF MINUTES

Ms. Scott made a motion, seconded by Mr. L. Rogers, to approve the minutes of the meeting held on March 10, 2016 as written. By unanimous vote, the motion carried.

UNFINISHED BUSINESS

Deliberations from Rule and Regulation Hearing

The Board deliberated on the proposed rule and regulations. There being no public or written comment, Ms. Scott made a motion, seconded by Mr. Harrington, to accept the changes as written and to have Ms. Kelly publish in the registry as approved. By unanimous vote, the motion carried. The Commissioners signed the Final Order adopting the regulations as proposed.

Title 6 Amendment – New Construction Disclosure Form

Mr. Harrington made a motion, seconded by Ms. Scott, to table this discussion for the next meeting. By unanimous vote, the motion carried.

NEW BUSINESS

Proposed to Deny Hearing – 9:15 a.m. – Real Estate Services Group – Wilfrieda Vleugels

The minutes from the hearing will follow the regular Commission minutes below.

Education Committee Report

Ms. Brodoway reported on the Real Estate Education Committee's meeting as Mr. Burns could not make the meeting. The Education Committee met on April 7, 2016. At the meeting there were 25 approved courses providers, 2 were denied, 7 approved instructors with 1 of them being modified, and there was 1 student reconsideration request. The student was requesting regular CE modules be applied to new licensee modules and the Committee upheld the previous denial and the minutes reflect the discussion surrounding the denial. Ms. Brodoway stated that when the newly licensed modules were created, they are specific to information that newly licensed individuals may not get from the pre-licensing course and that there should not be any replacements. The next meeting will be May 5, 2016.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Ms. Scott made a motion, seconded by Mr. Harrington, to approve to the education approvals submitted by the Education Committee for April. By unanimous vote, the motion carried.

Discussion requested by Mr. Gregory Cook, Sr.

Mr. Gregory Cook, Sr., addressed the Commission. Mr. Cook previously submitted a letter to the Commission asking for a waiver, so he would not have to sit for both exams before reinstating. The Commission denied his request for a waiver. Mr. Cook addressed the Commission to explain his reason for the requested waiver. After listening to Mr. Cook, the Commission stated the rules and regulations on reinstatement are clear that a waiver is not permitted, and that the instructions on the application when filling it out explain the same rules. The Commission stated they were not able to grant the waiver as previously stated in a letter sent to Mr. Cook. Mr. Cook asked the Commission for a refund of the money he spent for the application to reinstate. Ms. Kelly explained to Mr. Cook that the Commission has nothing to do with refunding the money. Ms. Kelly stated a refund request would have to go the Director of Professional Regulation. Ms. Wagner stated that she would speak to the Director and see what she could do. Mr. Cook thanked the Commission for their time.

Discussion and Review of Hearing Officers Recommendation – Hugh Dugan

The Commission reviewed and discussed the recommendation. Ms. Kelly read the reason for the hearing and the sanctions made by the Hearing Officer. After discussion, Mr. McCann made a motion, seconded by Mr. L. Rogers, to accept the hearing officer's recommendation with an amendment of increasing the fine to \$1000.00. By unanimous vote, the motion carried.

Executive Session pursuant to 29 Del. C. Sec. 10004(b)(4): Discussion of pending litigation

Mr. Harrington made a motion, seconded by Ms. Scott, to go into executive session at 10:24 a.m.

Ms. Kelly explained the reason the executive session and the Commission discussed.

Mr. Harrington made a motion, seconded by Ms. Scott, to end the executive session at 10:33 a.m.

Ms. Scott made a motion, seconded by Mr. Harrington, to amend the agenda to add the ** double asterisk items. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Salesperson Applications

Mr. Harrington made a motion, seconded by Ms. Scott, to ratify the following applications for salespersons:

Ryan Rushe, Burns and Ellis, Dover, DE
Bertrand Ferguson, Weichert Realtors - First Class, Dover, DE
Julie Simmons, Long & Foster Real Estate, Inc., Greenville, DE
Lauren Press, BHHS Fox & Roach, Newark, DE
Crystal Arrington, BHHS Fox & Roach, Hockessin, DE
Crystal Rush, Patterson Schwartz & Associates, Inc., Newark, DE
Shaneice Neal, BHHS Fox & Roach, Newark, DE
Antar Makansi, Keller Williams Realty, Christiana, DE
Courtney Hope, Keller Williams Realty, Christiana, DE
Brian Johnson, BHHS Fox & Roach, Newark, DE
Dawn Forman, Emory Hill Real Estate Services, Inc., New Castle, DE
Ming Chen, Patterson Schwartz Real Estate, Newark, DE
Edgar Harvey, Harvey, Hanna and Associates, Inc., Newport, DE
Michael Maiorano, Keller Williams Real Estate, Media, PA
Patricia Baglieri, Long & Foster Real Estate, Inc., Ocean City, MD
Kimberly Abrams, BHHS Fox & Roach, Wilmington, DE
Daniel Bloom, Long & Foster Real Estate, Inc., Greenville, DE
Christen McDade, Century21 Premier Homes, Middletown, DE
Aracely Brickus, BHHS Fox & Roach, Newark, DE
Jennifer Keeler, BHHS Fox & Roach, Smyrna, DE
Thomas Rohe, ResortQuest Real Estate, Bethany Beach, DE
Nicole LaRue, Keller Williams Realty, Christiana, DE
Michaelle Montgomery, Weichert Realtors, Wilmington, DE
Michele Wagner, ResortQuest Real Estate, Bethany Beach, DE
Hildegard, Rieger, Patterson Schwartz, Dover, DE
Mary Walther, BHHS Fox & Roach, Devon, PA
Angela Howell, Jack Lingo, Inc., Millsboro, DE
Caitlin Long, Delaware Homes, Inc., Townsend, DE
Dana Byrd, Coldwell Banker Resort, Milford, DE
Taylor Wade, Ocean Atlantic Sotheby's Intl Realty, Rehoboth Beach, DE
Debra Dickerson, DeIMarva Resorts Realty, Lewes, DE
Dana MeMeno, Coldwell Banker Resort Realty, Lewes, DE
Annette Batista, Coldwell Banker Residential Brokerage, Bethany Beach, DE
Beth Embert, Patterson Schwartz, Middletown, DE
Vaidra Johnson, BHHS Fox & Roach, Wilmington, DE
Dorin Crockett, BHHS Fox & Roach, Bear, DE
Maribeth Baxter, BHHS Fox & Roach, Wilmington, DE
Teresa Keeler, BHHS Fox & Roach, Smyrna, DE
Leo Schwarz, III, Equity Mid-Atlantic Real Estate, Fort Washington, PA
Gerardo Pierorazio, Keller Williams Realty, Lewes, DE

Laura Hutchins, DelMarva Resorts Realty, Lewes, DE
Kathleen Hunnings, Patterson Schwartz, Dover, DE
Anna Hanna, Dovoco Realty, LLC, Middletown, DE
Vonshea Wise, Keller Williams, Central, Dover, DE
Sally Marchegiano, Sea Bova Associates, Rehoboth Beach, DE
Winifred Martin, Coldwell Banker Residential, Bethany Beach, DE
Elizabeth Cooch, DelMarva Resorts Realty, Lewes, DE
Micah Parker, BHHS Gallo Realty, Lewes, DE
Nadia Sherif-Williams, Delaware Management Team dba Rentwell-Lease, Manage, Maintain, Wilmington, DE
Richard Patterson, Keller Williams Realty, Wilmington, DE
Jose Cruz, Keller Williams Realty, Christiana, DE
Stuart Galkin, Mann & Sons, Inc., Rehoboth Beach, DE
Ismail Tekmen, Coldwell Banker Residential Brokerage, Bethany Beach, DE
Ryan Hunsucker, Weichert Realtors-First Class, Dover, DE
Nastassia Veyalkina, Sea Bova Associates, Rehoboth Beach, DE
Paul Nordhoff, Rehoboth Bay Realty, Co., Dewey Beach, DE
Josette Castiglione, Long & Foster Real Estate, Inc., Lewes, DE
Jennifer Cullen, Patterson Schwartz, Greenville, DE
Cassandra Rogerson, Patterson Schwartz Real Estate, Rehoboth Beach, DE
Cheryl Alicia Carroll, Delmarva Resorts Realty, Lewes, DE
Mary Foster, Delmarva Resorts Realty, Lewes, DE
Peggy Sue Mitchell, Dovoco Realty, Middletown, DE
Kristin Cooper Snyder, Patterson Schwartz & Associates, Hockessin, DE
Alex Platt, Patterson Schwartz, Middletown, DE
Yvonne Willey, Bay Coast Realty, Rehoboth Beach, DE
Regina Mwangi-reithii, Concord Realty, Wilmington, DE
Stacey Arrington-Crumpler, BHHS Fox & Roach, Hockessin, DE
Gary Walkowski, Coldwell Banker Preferred, Media, PA
Rachel Parker, Home Team Realty, Seaford, DE
Shidan Wang, Provest Realty, Wilmington, DE
Stacey Kochanek, Keller Williams Realty, Lewes, DE
Kelly Mathe, Patterson Schwartz & Associates, Newark, DE
Patti Carlson, Patterson Schwartz Real Estate, Hockessin, DE
Nina Dietrich, Weichert Realtors, Wilmington, DE
Michael Wooleyhand, Keller Williams Central, Dover, DE
Deloris Cauley, Delmarva Referral, LLC, Lewes, DE

By unanimous vote, the motion carried.

Review of Salesperson Application

There were no applications to review.

Ratification of Broker and Associate Broker Applications

Mr. Harrington made a motion, seconded by Ms. Scott, to ratify the following applications for broker and associate broker:

Roger Cornell, McWilliams Ballard, Inc., Alexandria, VA - Associate Broker
Nigel Shamash, NSNYRE, LLC, New York, NY - Broker
Andrea Conner, Xome, Inc., New Castle, DE - Associate Broker
Jill Cicierski, BHHS Gallo Realty, Lewes, DE - Associate Broker

Dale House, NRT Property Management Delaware, LLC, dba Property Frameworks, Ellicott City, MD - Broker
Robert Miller, Luke Real Estate, Wilmington, DE - Broker

Review of Applications for Broker and Associate Broker

The Commission reviewed the broker application for Mark Ricker. Mr. Ricker was addressed by the Commission to explain to them the issue with his 30 sales transactions. Mr. Ricker has a unique situation as in Mr. Ricker sells plots of land. After the Commission's discussion, Mr. Harrington made a motion, seconded by Ms. Scott, to contingent approve Mr. Ricker's application for broker. By unanimous vote, the motion carried.

The Commission reviewed the broker application for Pamela Price. Ms. Price answered yes to the question on the agenda for administrative penalties from a rule to show cause hearing for continuing education. After discussion, Mr. Harrington made a motion, seconded by Mr. McCann, to approve the application of Ms. Price for a broker's license. By unanimous vote, the motion carried.

Ratification of Applications for Reinstatement

Mr. Harrington made a motion, seconded by Mr. L. Rogers, to ratify the following applications by reinstatement:

Dion Williams, Keller Williams Realty, Newark, DE
Charmaine Everett, Keller Williams Realty, Christiana, DE
Ivory Miller, RE/MAX Sunvest Realty, Wilmington, DE

By unanimous vote, the motion carried.

Review of Applications for Reinstatement

Ms. Wagner explained the application for reinstatement for Ms. Rene Bille. Ms. Bille was reinstating her PA license as well and took the general portion of the exam less than a year ago. Ms. Bille wanted to know if she had to take the general exam again for DE. After discussion, the Commission agreed that she did not have to take the general exam because of taking it less than a year ago.

Mr. L. Rogers made a motion, seconded by Ms. Scott, to approve the following reinstatement applications upon successful passing of exam(s):

Rene Bille, BHHS Fox & Roach, Devon, PA – Took General exam in PA – Law Exam
Terry Harris, DelMarva Resorts Realty, Lewes, DE - Both exams
Jeffrey Smith, Mann & Sons, Inc., Rehoboth Beach, DE - Law Exam
Rasheeda Demby, BHHS Fox & Roach, Wilmington, DE - Both Exams

By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the following office applications.

Mr. McCann made a motion, seconded by Ms. Scott, to approve the new branch office application for Resort Quest Real Estate. By unanimous vote, the motion carried.

Mr. McCann made a motion, seconded by Ms. Scott, to approve the new office application for Cornerstone Realty Group, LLC. By unanimous vote, the motion carried.

Mr. McCann made a motion, seconded by Ms. Scott, to contingent approve the new office for RE/MAX Coast to Country for proper signage. By unanimous vote, the motion carried.

Mr. McCann made a motion, seconded by Ms. Scott, to approve the relocation application for Five Star RE, LLC. By unanimous vote, the motion carried.

Status of Complaints

Complaint # 02-04-16 - Closed by Investigator

Complaint # 02-15-15 - Closed by Investigator

Complaint # 02-16-14 - Closed by Attorney General's Office

Complaint # 02-20-15 - Closed by Investigator

Complaint # 02-26-15 - Closed by Investigator

Correspondence

Request for extension to complete continuing education – Dorothy Upton

Mr. Healy made a motion, seconded by Mr. Harrington, to give Ms. Upton 6 months extension for the 2014-2016 renewal period due to the circumstances of her hardship submitted to the Commission. By unanimous vote, the motion carried.

Questions about applying for Broker's License

Ms. Wagner received a couple of questions that she wanted to ask the Commission about.

First question was, if a person had a 14 days' suspension due to continuing education hearing, would that be considered a break in their licensure? This person has been licensed as a salesperson for more than 5 years and would like to take the broker's pre-licensing course. He wanted to make sure that the Commission would grant him about a license without holding a continuous license. After discussion, the Commission felt that this would not prevent this prospective applicant from taking the broker's course to become a broker in Delaware.

Second question was, if a license was expired due to missing the renewal because continuing education was not completed on time because of a full time job, would the Commission consider this as not having a continuous license? This person would also like to take the broker's course to become a broker in Delaware. License expired June 30, 2014 and was reinstated in February of the following year. After discussion, Ms. Kelly stated that there is specific rule 3.1 and 3.1.1 that state if a license is not renewed within the allowable 60 days the licensee would be considered as not holding a continuous license.

Letter from Mr. Randall Handy

Mr. Healy made a motion, seconded by Mr. Harrington, to grant the 6 months' extension Mr. Handy is asking for the 2014-2016 renewal period due to the circumstances of his hardship submitted to the Commission. By unanimous vote, the motion carried.

Letter from John W. Haus, Jr. – Disclosures

Mr. Healy made a motion, seconded by Mr. Harrington to table this discussion until next month's meeting. By unanimous vote, the motion carried.

Letter from Tony Fisher

The Board reviewed the letter submitted by Mr. Fisher telling the Commission that he was late in getting some of his newly licensed modules completed in time. Mr. Fisher did have circumstances that the Commission took into consideration while discussing the letter. Mr. Healy made a motion, seconded by Mr. Harrington, to excuse the tardiness of the completion of Mr. Fisher's newly licensed modules. By unanimous vote, the motion carried.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Discussion about Seminar in September

Ms. Wagner discussed with the Commission about getting ready for the September seminar. Ms. Wagner explained that there is a lot of work behind the scenes to get things ready, so she was bringing it up now. The Commission is sending this discussion to the Education Committee to come up with topics.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, April 14, 2016 at 9:00 a.m.

ADJOURNMENT

Ms. Scott made a motion, seconded by Mr. Harrington, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:56 a.m.

Respectfully submitted,



Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.

HEARING MINUTES

HEARING – PROPOSE TO DENY

The Delaware Real Estate Commission held a hearing on April 14, 2016 at 9:15 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Michael Harrington, Lynn Rogers, Lynnette Scott, and Joseph McCann

PURPOSE: Propose to Deny

PRESIDING: Justin Healy, Chairperson

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Eileen Kelly, DAG

RESPONDENT: Wilfrieda Vleugels

TIME STARTED: 9:30 a.m.

The hearing was recorded taking verbatim testimony. Ms. Kelly confirmed with Ms. Wagner that Ms. Vleugels was present for the hearing. Ms. Kelly asked the Commission members to introduce themselves. Ms. Kelly summarized the reason for the proposed to deny hearing. Ms. Kelly entered documents as Commission's exhibit 1, application and documents. Ms. Vleugels gave her testimony before the Commission. Ms. Vleugels brought the actual sign for the office with her to the hearing. The Commission asked Ms. Vleugels questions about her home office. The Commission went into deliberations at 9:46 a.m. Ms. Scott made a motion, seconded by Mr. Harrington, to grant a contingent approval for Ms. Vleugels' new office and once the Commission receives approval from the City of Wilmington the office permit will be issued. By unanimous vote, the motion carried. The hearing concluded at 9:49 a.m.